

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Robert A. Luciano, Jr. <i>et al.</i>	Examiner:	Flores Sanchez, Omar
Application No.:	09/419,748	Group Art Unit:	3724
Filing Date:	October 16, 1999	Confirmation No.	1734
		Docket No.	10407-1031
Title:	PRINTER TEAR BAR AND PRESENTER SYSTEM	Customer No.	30076

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO 37 CFR §1.181

Applicants hereby petition for the withdrawal of the Examiner's holding of abandonment for failure to respond to an Office Action mailed on February 13, 2002.

From review of the record, on February 13, 2002, the Examiner mailed an office action to the Applicants' representative, Ian Burns and Associates. On August 13, 2002, the Applicants' representative submitted a response to the office action via facsimile with a three-month extension of time. The facsimile was successfully transmitted on August 13, 2002. A copy of the facsimile transmission report showing that a 14-page facsimile was sent to (703) 746-3290 is included with this petition and is marked as **EXHIBIT 1**. Additionally, a copy of the 14-page facsimile is included as **EXHIBIT 2**. However, Examiner Flores-Sanchez apparently did not receive the response to the office action.

On August 11, 2004, Applicants' representative re-sent the response to the office action to Mr. Steve Marcus pursuant to instructions from Examiner Flores-Sanchez. A copy of the transmission report showing that the second facsimile was successfully sent to Mr. Marcus of U.S. Patent and Trademark Office is attached as **EXHIBIT 3**. The facsimile transmission to Mr. Marcus is included in this petition as **EXHIBIT 4**.

The prosecution of this application was transferred to the firm of Brown, Raysman, Millstein, Felder, and Steiner LLP. A revocation of Power of Attorney with a new Power of Attorney was sent to the U.S. Patent Office on October 21, 2005. On Sunday, May 14, 2006, Examiner Flores-Sanchez left a telephonic message for the undersigned at 2:22 p.m. PST checking the status of the case. In the Examiner's message, Examiner Flores-Sanchez stated that no official response has been received to date. Applicants' representative left a telephonic message for the Examiner on May 15, 2006. On May 18, 2006, a notice of abandonment was sent to the Applicants' representative. After reviewing the file history, the Applicants' representative is submitting this petition requesting the holding of abandonment be withdrawn. Based upon the facts available to the Applicants' representative, and pursuant to 37 CFR 1.8(b)(3), Applicants' representative respectfully submits that a timely response to the Office Action of February 13, 2002 was transmitted to the U.S. Patent and Trademark Office on August 13, 2002. Furthermore, a subsequent re-transmission of the response of August 13, 2002 was sent via facsimile to the U.S. Patent Office on August 11, 2004.

Accordingly, Applicants' representative respectfully submits that the response was timely filed and was not entered due to Patent Office error. Thus, the Applicants' representative respectfully requests the withdrawal of the holding of abandonment pursuant to 37 CFR 1.181. Furthermore, Applicants' representative submit that this petition is timely filed pursuant to 37 CFR 1.181(f) since this petition is filed within two months of the mail date, May 18, 2006, of the notice of abandonment.


No fee is believed to be due with this paper. However, if Applicants are mistaken, the Commissioner is hereby authorized to charge any additional required fees from Deposit Account No. 502811, Deposit Account Name BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP.

Should the Petitions Examiner have any questions concerning the foregoing, the Petitions Examiner is invited to telephone the undersigned attorney at (310) 712-8300. The undersigned

attorney can normally be reached Monday through Friday from about 10:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

Date: June 5, 2006



Andrew B. Chen
Reg. No. 48,508
BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP
1880 Century Park East, 12th Floor
Los Angeles, CA 90067-1621
(310) 712-8300 telephone
(310) 712-8383 facsimile

Attachments: Exhibit 1 (1 sheet)
Exhibit 2 (14 sheets)
Exhibit 3 (1 sheet)
Exhibit 4 (16 sheets)

EXHIBIT 1

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2670
CONNECTION TEL	17037463290p732
SUBADDRESS	
CONNECTION ID	
ST. TIME	08/13 17:00
USAGE T	04'58
PGS. SENT	14
RESULT	OK

EXHIBIT 2

IAN F. BURNS & ASSOCIATES, P.C.

Intellectual Property Law

Ian F. Burns**
Robert C. Ryan**
Rolando J. Tong**

P.O. Box 20038
560 East Plumb Lane
Reno, NV 89515-0038

Phone: (775) 826-6160
Fax: (775) 825-6072
E-mail: iburns@nevadapatentlaw.com

*Admitted in U.S. Patent and Trademark Office
*Admitted in California, Hawaii & Nevada
*Admitted in Illinois and Nevada
*Admitted in California

August 12, 2002

If there is a problem with transmission or if all pages are not received, please call (775) 826-6160 for retransmission.

TO: Omar Flores-Sanchez

FAX #: (703) 746-3290

COMPANY: Patent and Trademark Office

FROM: Rolando J. Tong

RE: Serial Number: 09/419,478

Filing Date: October 16, 1999

OUR REFERENCE: 732.341 SDG.UA-Printer Tear Bar System

Number of pages including this cover page: 19

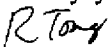
This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original to us by mail without making a copy. Thank you.

Dear Sir:

The following is/are submitted to the Patent and Trademark Office for appropriate action:

1. An Amendment E (7 pages).
2. A Version With Markings Showing Changes Made (3 pages).
3. A Petition for Extension of Time (1 page).
4. A Fee Transmittal (1 page).
5. A Transmittal Letter (1 page).

Cordially yours,


Rolando J. Tong

Registration Number: 47,140

IAN F. BURNS & ASSOCIATES, P.C.

Intellectual Property Law

Ian F. Burns*
Robert C. Ryan**
Rolando J. Tong**

1575 Delucchi Lane
Suite 222
Reno, Nevada 89502

Phone: (775) 826-6160
Fax: (775) 828-1651
E-mail: iburns@nevadapatentlaw.com

*Admitted in U.S. Patent and Trademark Office
†Admitted in California, Hawaii & Nevada
‡Admitted in Illinois and Nevada
*Admitted in California

August 12, 2002

Box Amendment FEE
Assistant Commissioner for Patents
Washington, DC 20231

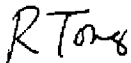
In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Filed: October 16, 1999
Title: PRINTER TEAR BAR AND PRESENTER SYSTEM
Attorney docket number: 732,341 SDG.UA-Printer Tear Bar System

Dear Sir:

The following is/are submitted to the Patent and Trademark Office for appropriate action:

1. An Amendment E (7 pages).
2. A Version with Markings Showing Changes Made (3 pages).
3. A Petition for Three Months Extension of Time (1 page).
4. A Fee Transmittal (1 page).
5. A Facsimile Cover letter (1 page).

Cordially yours,



Rolando J. Tong
Registration Number: 47,140

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

☐ **MAILING**
Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

☒ **FACSIMILE**
Transmitted by facsimile to the Patent and Trademark Office.

Fax No.: 703-746-3290


Signature

Kimberly Reich 8-13-02
Name Date

In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Filed: October 16, 1999
Title: PRINTER TEAR BAR AND PRESENTER SYSTEM
Attorney docket number: 732.341 SDG.UA-Printer Tear Bar System

Group Number: 3724
Examiner: Flores-Sanchez, Omar

**Assistant Commissioner for Patents
Washington, D.C. 20231**

AMENDMENT E

In response to the office action mailed on February 13, 2002, Applicants submit this
Amendment E.

In the claims

Please amend claims 1, 20, and 25 as follows:

1. A tear bar for assisting the separation of a piece of media from a strip of media, the strip of
media having a surface, a first and second side, and a center portion, the tear bar comprising:

- (A) a first side portion, the first side portion being adapted to abut the surface of the
strip of media adjacent to the first side of the strip of media and apply resistance
on the strip of media when a longitudinal force is applied to the strip of media;
and

(B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;

5 wherein the tear bar is formed from an integrally formed member having a substantially semi-circular lateral cross-section, the integrally formed member further having a center portion between the first side portion and the second side portion, the center portion having a diameter less than the first side portion and the second side portion, and wherein at least one of the first or second side portions comprises a roughened surface.

10

20. A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

(A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;

15

(B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and

20

(C) a center portion between the first side portion and the second portion, the center portion having a diameter less than the first side portion and the second side portion,

wherein the tear bar remains in a fixed position during feeding and separation of the strip of media, wherein at least one of the first or second side portions comprises a roughened surface.

- 5 25. A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:
- (A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;
- 10 (B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and
- (C) a center portion between the first and second side portions, the center portion
- 15 having a diameter less than the diameter of the first side portion and the diameter of the second side portion, the center portion being adapted to abut the surface of the strip of media when a longitudinal force is applied to the strip of media.

REMARKS

Office Action

- 20 Claims 1, 5-7, and 19-29 are pending in the application. Claims 1, 5-7, and 19-29 are rejected under 35 U.S.C. §102(b) as being anticipated by Michalovic. Claims 2-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Michalovic in view of Ishii et al. et al.

Interview

Applicants sincerely appreciate the courtesies extended by Examiner Omar Flores-Sanchez during a telephone interview conducted on July 12, 2002. During the interview,
5 Examiner Sanchez indicated that he has reviewed, with his Primary, Applicants' proposed amendment sent by facsimile on July 1, 2002 and that the claim amendments appear to advance the application for allowance.

Amendment

10 By this Amendment E, independent claims 1, 20, and 25 have been amended to include a tear bar comprising a center portion having a diameter less than the first and second side portion. Applicants submit that claims 1, 20, and 25 are not anticipated by Michalovic.

As stated by the Federal Circuit: Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the
15 claim. *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Applicants submit that Michalovic does not disclose a center portion having a diameter less than the first and second side portion. Thus, Michalovic does not disclose each and every element of the claimed invention. Withdrawal of 35 U.S.C. §102(b) rejection over independent
20 claims 1, 20, and 25 and their respective dependent claims- 5-7, 19, 21-24, and 26-29 is respectfully requested.

In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Page 5

With regard to claims 2 and 3, the applicants respectfully submit that claims 2 and 3 are patentable over Michalovic in view of Ishii et al. for the following reasons.

The cited references, even when improperly combined, do not teach or suggest all the claim
5 limitations.

MPEP §2143 states that the prior art reference or references when combined must also teach or suggest all the claim limitations. See also *In re Royka*, 490 F.2d 981. Notwithstanding the Applicants' arguments against improper combination of references, Applicants submit that even if the cited references were combined, the cited references do not teach or suggest all the
10 claim limitations.

As already discussed under the applicants' arguments relating to 35 U.S.C. §102 rejection, Michalovic does not disclose, teach, or suggest a center portion having a diameter less than the first and second side portion. See also Figure 2 of Michalovic. With regard to Ishii et al., the reference discloses a cutting roller having an axle and a surface having three edges
15 surrounding the length of the axle. Two edges are positioned on the sides and have a smaller diameter than an edge positioned in the center.

In sum, the Office has not presented a combination of references that disclose each and every element of claims 2 and 3, as required by a large body of law. Withdrawal of the 35 USC 103(a) rejections on claims 2 and 3 is respectfully requested.

The combination of Michalovic and Ishii et al. is improper.

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. MPEP §2143,

5 See also In re Rouffet, 149 F.3d 1350, 1357. The applicant submits that the Office has not established a prima facie case of obviousness because there is no suggestion or motivation to combine Michalovic and Ishii et al. as discussed below.

Michalovic teaches using a tear surface having a uniform diameter, whereas Ishii et al.
10 **teaches using a tear surface having varying diameters.**

Michalovic is an apparatus for dispensing linerless labels with adhesives. As such, Michalovic states that sticking of labels to dispensing apparatus components is a significant problem. See column 1, lines 28-34. If the dispensing apparatus has a tear surface of varying diameter, the labels have more tendency to stick to the uneven tear surface than a dispensing
15 apparatus with uniform tear surface, making it difficult and expensive to dispense labels.

Additionally, Michalovic states “where blades or like components are used as a force concentrating structure to facilitate tearing of labels along the perforation lines, the concentrating structures must be cleaned often to prevent build up of adhesive.” Column 1, lines 33-37.

In contrast, Ishii et al. provides an apparatus for issuing a ticket with a cutting roller that
20 creates diamond-shaped openings in the center of the perforations on media. The diamond-shaped openings are specifically created by a plurality of edges having variable diameters on the axle of the roller. The diamond-shaped openings allow tickets to be cut clearly without leaving

In re application of: Robert A. Luciano and Raymond Bryan

Serial number: 09/419,748

Page 7

any scraps, which may cause apparatus jam and may cause a customer to question the authenticity of a ticket. The objects of Ishii et al.'s invention are to prevent apparatus from jamming and to provide a high quality ticket cut with precision from a ticket sheet. See column 2, lines 4-9.

5 In sum, there is no suggestion or motivation, either in Ishii et al. or in Michalovic or in the knowledge generally available to one of ordinary skill in the art to modify or to combine reference teachings of Ishii et al. and Michalovic. Withdrawal of 35 U.S.C. 103(a) rejections based on the combination of Ishii et al. and Michalovic is respectfully requested.

The amendments to the claims above have not been made to overcome the rejections.

10 The applicant believes that the original claims are patentable over the cited reference. The applicant makes amendments to obtain allowance of the application, considering the length of time the prosecution of this application has already taken.

CONCLUSION

15 For all of the above reasons, the applicant submits that the present application is in condition for allowance. If the examiner has any questions regarding the application or this response, the examiner is encouraged to call the applicant's attorney, Rolando J. Tong, at (775) 826-6160.

Respectfully submitted,

RTong

Rolando J. Tong, Attorney for Applicant(s)
Registration Number: 47,140

VERSION WITH MARKINGS SHOWING CHANGES MADE

1. (Thrice Amended) A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

- 5 (A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and
- 10 (B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;

15 wherein the tear bar is formed from an integrally formed member having a substantially semi-circular lateral cross-section, the integrally formed member further having a center portion between the first side portion and the second side portion, the center portion having a diameter less than the first side portion and the second side portion, and wherein at least one of the first or second side portions comprises a roughened surface.

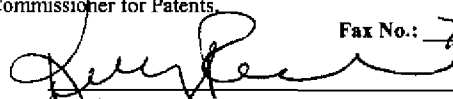
CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

☐ **MAILING**
Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

☒ **FACSIMILE**
Transmitted by facsimile to the Patent and Trademark Office.

Fax No.: 703-746-3290



Signature
Kimberly Reich
Name

8-13-02
Date

20. (Twice Amended) A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

(A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; [and]

(B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and

(C) a center portion between the first side portion and the second portion, the center portion having a diameter less than the first side portion and the second side portion,

wherein the tear bar remains in a fixed position during feeding and separation of the strip of media, wherein at least one of the first or second side portions comprises a roughened surface.

25. (Once amended) A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

(A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;

(B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and

5 (C) a center portion between the first and second side portions, the center portion having a diameter less than the diameter of the first side portion and the diameter of the second side portion, the center portion being adapted to abut the surface of the strip of media when a longitudinal force is applied to the strip of media.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2000Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.**TOTAL AMOUNT OF PAYMENT** (\$) 460.00**Complete if Known**

Application Number	09/419,748
Filing Date	October 16, 1999
First Named Inventor	Robert A. Luciano
Examiner Name	Flores-Sanches
Group / Art Unit	3724
Attorney Docket No.	732.341 SDG

METHOD OF PAYMENT (check one)

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **500913**Deposit Account Name **Ian F. Burns & Associates, P.C.**

- ☒
- Charge Any Additional Fee Required
-
- Under 37 CFR §§ 1.16 and 1.17

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 690	201 345	Utility filing fee	
106 310	206 155	Design filing fee	
107 480	207 240	Plant filing fee	
108 690	208 345	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$) **0.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	=0
Multiple Dependent	-3** =	X	=0

**or number previously paid, if greater; For Reissues, see below


Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 78	202 39	Independent claims in excess of 3	
104 260	204 130	Multiple dependent claim, if not paid	
109 78	209 39	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) **0.00****FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	0.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	0.00
147 2,520	147 2,520	For filing a request for reexamination	0.00
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	0.00
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	0.00
115 110	215 55	Extension for reply within first month	0.00
116 380	216 190	Extension for reply within second month	0.00
117 870	217 435	Extension for reply within third month	460.00
118 1,360	218 680	Extension for reply within fourth month	0.00
128 1,850	228 925	Extension for reply within fifth month	0.00
119 300	219 150	Notice of Appeal	0.00
120 300	220 150	Filing a brief in support of an appeal	0.00
121 280	221 130	Request for oral hearing	0.00
138 1,510	138 1,510	Petition to institute a public use proceeding	0.00
140 110	240 55	Petition to revive - unavoidable	0.00
141 1,210	241 605	Petition to revive - unintentional	0.00
142 1,210	242 605	Utility issue fee (or reissue)	
143 430	243 215	Design issue fee	
144 580	244 290	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	0.00
123 50	123 50	Petitions related to provisional applications	
128 240	128 240	Submission of Information Disclosure Stmt	0.00
581 40	581 40	Recording each patent assignment per property (times number of properties)	0.00
148 690	248 345	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149 690	249 345	For each additional invention to be examined (37 CFR § 1.129(b))	0.00
Other fee (specify) _____			0.00
Other fee (specify) _____			0.00

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **460.00****SUBMITTED BY**

Name (Print/Type)	Rolando J. Tong	Registration No. (Attorney/Agent)	47,140	Telephone	775-826-6160
Signature		Date	8/13/02		

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

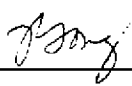
PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 732.400 SDG										
In re Application Of Robert A. Luciano and Raymond Bryan												
Application Number 09/419,748		Filed October 16, 1999										
For PRINTER TEAR BAR AND PRESENTER SYSTEM												
Group Art Unit 3724	Examiner Flores-Sanches											
<p>This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.</p> <p>The requested extension and appropriate non-small-entity fee are as follows (check time period desired):</p> <table style="width: 100%;"><tr><td><input type="checkbox"/> One month (37 CFR 1.17(a)(1))</td><td style="text-align: right;">\$ _____</td></tr><tr><td><input type="checkbox"/> Two months (37 CFR 1.17(a)(2))</td><td style="text-align: right;">\$ _____</td></tr><tr><td><input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))</td><td style="text-align: right;">\$ <u>920</u></td></tr><tr><td><input type="checkbox"/> Four months (37 CFR 1.17(a)(4))</td><td style="text-align: right;">\$ _____</td></tr><tr><td><input type="checkbox"/> Five months (37 CFR 1.17 (a)(5))</td><td style="text-align: right;">\$ _____</td></tr></table> <p><input checked="" type="checkbox"/> Applicant is a small entity under 37 CFR 1.9 and 1.27, therefore the fee amount shown above is reduced by one-half, and the resuming fee is: \$ <u>460</u></p> <p>A small entity statement under 37 CFR 1.27:</p> <p><input type="checkbox"/> is enclosed.</p> <p><input checked="" type="checkbox"/> has already been filed in this application.</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>500913</u> I have enclosed a duplicate copy of this sheet.</p> <p>I am the <input type="checkbox"/> assignee of record of the entire interest. <input type="checkbox"/> applicant. <input checked="" type="checkbox"/> attorney or agent of record. <input type="checkbox"/> attorney or agent under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a). _____</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="text-align: center;"><u>8/13/02</u> Date</div><div style="text-align: center;"> Signature Rolando J. Tong Typed or printed name</div></div>			<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____	<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____	<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ <u>920</u>	<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____	<input type="checkbox"/> Five months (37 CFR 1.17 (a)(5))	\$ _____
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____											
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____											
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ <u>920</u>											
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____											
<input type="checkbox"/> Five months (37 CFR 1.17 (a)(5))	\$ _____											

EXHIBIT 3

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	4211
CONNECTION TEL	17033053762p732
SUBADDRESS	
CONNECTION ID	TC3700 DIRECTOR'
ST. TIME	08/11 12:12
USAGE T	03'14
PGS. SENT	16
RESULT	OK

EXHIBIT 4

IAN F. BURNS & ASSOCIATES, P.C.
Intellectual Property Law

Ian F. Burns**
John D. Long**
Thomas J. Howell, Ph.D.*
Harry A. Pacini*

1575 Delucchi Lane
Suite 222
Reno, Nevada 89502

Phone: (775) 826-6160
Fax: (775) 828-1651

*Admitted in U.S. Patent and Trademark Office
†Admitted in California, Hawaii & Nevada
‡Admitted in California, Illinois, Massachusetts
& Washington, D.C.

August 10, 2004

If there is a problem with transmission or if all pages are not received, please call (775) 826-6160 for retransmission.

TO: Steve Marcus

FAX #: (703) 305-3762

COMPANY: United States Patent and Trademark Office

FROM: Ian F. Burns

RE: Amendment E

OUR REFERENCE: 732.341 SDG-UA-Printer Tear Bar System

Number of pages including this cover page: 16

This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original to us by mail without making a copy. Thank you.

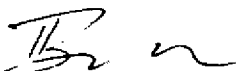
Dear Sir:

As instructed by Examiner Flores-Sanchez, the following is a copy of the original response submitted by facsimile on August 13, 2002. Also attached is a copy of the transmission report showing the fax was successfully transmitted to 703-746-3290.

The Following is/are submitted to the Patent and Trademark Office for appropriate action:

1. A copy of the Facsimile Cover Sheet (1 page).
2. A copy of the Version With Markings Showing Changes Made (3 pages).
3. A copy of the Petition for Extension of Time (1 page).
4. A copy of the Fee Transmittal (1 page).
5. A copy of the Transmittal Letter (1 page).
6. A copy of the Facsimile Confirmation sheet (1 page)

Cordially yours,



Ian F. Burns

Registration Number: 33,297

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2670
CONNECTION TEL	17037463290p732
SUBADDRESS	
CONNECTION ID	
ST. TIME	08/13 17:00
USAGE T	04'58
PGS. SENT	14
RESULT	OK

IAN F. BURNS & ASSOCIATES, P.C.

Intellectual Property Law

Ian F. Burns**
Robert C. Ryan**
Rolando J. Tong**

P.O. Box 20038
560 East Plumb Lane
Reno, NV 89515-0038

Phone: (775) 826-6160
Fax: (775) 825-6072
E-mail: iburns@nevadapatentlaw.com

*Admitted in U.S. Patent and Trademark Office
*Admitted in California, Hawaii & Nevada
*Admitted in Illinois and Nevada
*Admitted in California

August 12, 2002

If there is a problem with transmission or if all pages are not received, please call (775) 826-6160 for retransmission.

TO: Omar Flores-Sanchez

FAX #: (703) 746-3290

COMPANY: Patent and Trademark Office

FROM: Rolando J. Tong

RE: Serial Number: 09/419,478

Filing Date: October 16, 1999

OUR REFERENCE: 732.341 SDG.UA-Printer Tear Bar System

Number of pages including this cover page: 9

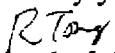
This message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is PRIVILEGED, CONFIDENTIAL and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original to us by mail without making a copy. Thank you.

Dear Sir:

The following is/are submitted to the Patent and Trademark Office for appropriate action:

1. An Amendment E (7 pages).
2. A Version With Markings Showing Changes Made (3 pages).
3. A Petition for Extension of Time (1 page).
4. A Fee Transmittal (1 page).
5. A Transmittal Letter (1 page).

Cordially yours,


Rolando J. Tong

Registration Number: 47,140

IAN I BURNS & ASSOCIATE P.C.

Intellectual Property Law

Ian F. Burns**
Robert C. Ryan**
Rolando J. Tong**

1575 Delucchi Lane
Suite 222
Reno, Nevada 89502

Phone: (775) 826-6160
Fax: (775) 828-1651
E-mail: iburns@nevadapatentlaw.com

*Admitted in U.S. Patent and Trademark Office
*Admitted in California, Hawaii & Nevada
*Admitted in Illinois and Nevada
*Admitted in California

August 12, 2002

Box Amendment FEE
Assistant Commissioner for Patents
Washington, DC 20231

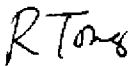
In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Filed: October 16, 1999
Title: PRINTER TEAR BAR AND PRESENTER SYSTEM
Attorney docket number: 732.341 SDG.UA-Printer Tear Bar System

Dear Sir:

The following is/are submitted to the Patent and Trademark Office for appropriate action:

1. An Amendment E (7 pages).
2. A Version with Markings Showing Changes Made (3 pages).
3. A Petition for Three Months Extension of Time (1 page).
4. A Fee Transmittal (1 page).
5. A Facsimile Cover letter (1 page).

Cordially yours,



Rolando J. Tong
Registration Number: 47,140

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

☐ **MAILING**
Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

☒ **FACSIMILE**
Transmitted by facsimile to the Patent and Trademark Office.

Fax No.: 703-746-3290


Signature

Kimberly Reilly
Name

8-13-02
Date

In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Page 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Filed: October 16, 1999
Title: PRINTER TEAR BAR AND PRESENTER SYSTEM
Attorney docket number: 732.341 SDG.UA-Printer Tear Bar System

Group Number: 3724
Examiner: Flores-Sanchez, Omar

**Assistant Commissioner for Patents
Washington, D.C. 20231**

AMENDMENT E

In response to the office action mailed on February 13, 2002, Applicants submit this
Amendment E.

In the claims

Please amend claims 1, 20, and 25 as follows:

1. A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

- (A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;
and

(B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;

5 wherein the tear bar is formed from an integrally formed member having a substantially semi-circular lateral cross-section, the integrally formed member further having a center portion between the first side portion and the second side portion, the center portion having a diameter less than the first side portion and the second side portion, and wherein at least one of the first or second side portions comprises a roughened surface.

10

20. A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

(A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;

15

(B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and

20

(C) a center portion between the first side portion and the second portion, the center portion having a diameter less than the first side portion and the second side portion,

wherein the tear bar remains in a fixed position during feeding and separation of the strip of media, wherein at least one of the first or second side portions comprises a roughened surface.

- 5 25. A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:
- (A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;
- 10 (B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and
- (C) a center portion between the first and second side portions, the center portion
- 15 having a diameter less than the diameter of the first side portion and the diameter of the second side portion, the center portion being adapted to abut the surface of the strip of media when a longitudinal force is applied to the strip of media.

REMARKS

Office Action

- 20 Claims 1, 5-7, and 19-29 are pending in the application. Claims 1, 5-7, and 19-29 are rejected under 35 U.S.C. §102(b) as being anticipated by Michalovic. Claims 2-3 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Michalovic in view of Ishii et al. et al.

Interview

Applicants sincerely appreciate the courtesies extended by Examiner Omar Flores-Sanchez during a telephone interview conducted on July 12, 2002. During the interview,
5 Examiner Sanchez indicated that he has reviewed, with his Primary, Applicants' proposed amendment sent by facsimile on July 1, 2002 and that the claim amendments appear to advance the application for allowance.

Amendment

10 By this Amendment E, independent claims 1, 20, and 25 have been amended to include a tear bar comprising a center portion having a diameter less than the first and second side portion. Applicants submit that claims 1, 20, and 25 are not anticipated by Michalovic.

As stated by the Federal Circuit: Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the
15 claim. *Lindermann Maschinenfabrik GMBH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984).

Applicants submit that Michalovic does not disclose a center portion having a diameter less than the first and second side portion. Thus, Michalovic does not disclose each and every element of the claimed invention. Withdrawal of 35 U.S.C. §102(b) rejection over independent
20 claims 1, 20, and 25 and their respective dependent claims- 5-7, 19, 21-24, and 26-29 is respectfully requested.

In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Page 5

With regard to claims 2 and 3, the applicants respectfully submit that claims 2 and 3 are patentable over Michalovic in view of Ishii et al. for the following reasons.

The cited references, even when improperly combined, do not teach or suggest all the claim
5 limitations.

MPEP §2143 states that the prior art reference or references when combined must also teach or suggest all the claim limitations. See also *In re Royka*, 490 F.2d 981. Notwithstanding the Applicants' arguments against improper combination of references, Applicants submit that even if the cited references were combined, the cited references do not teach or suggest all the
10 claim limitations.

As already discussed under the applicants' arguments relating to 35 U.S.C. §102 rejection, Michalovic does not disclose, teach, or suggest a center portion having a diameter less than the first and second side portion. See also Figure 2 of Michalovic. With regard to Ishii et al., the reference discloses a cutting roller having an axle and a surface having three edges
15 surrounding the length of the axle. Two edges are positioned on the sides and have a smaller diameter than an edge positioned in the center.

In sum, the Office has not presented a combination of references that disclose each and every element of claims 2 and 3, as required by a large body of law. Withdrawal of the 35 USC 103(a) rejections on claims 2 and 3 is respectfully requested.

In re application of: Robert A. Luciano and Raymond Bryan
Serial number: 09/419,748
Page 6

The combination of Michalovic and Ishii et al. is improper.

To establish a prima facie case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. MPEP §2143,

5 See also In re Rouffet, 149 F.3d 1350, 1357. The applicant submits that the Office has not established a prima facie case of obviousness because there is no suggestion or motivation to combine Michalovic and Ishii et al. as discussed below.

Michalovic teaches using a tear surface having a uniform diameter, whereas Ishii et al.
10 **teaches using a tear surface having varying diameters.**

Michalovic is an apparatus for dispensing linerless labels with adhesives. As such, Michalovic states that sticking of labels to dispensing apparatus components is a significant problem. See column 1, lines 28-34. If the dispensing apparatus has a tear surface of varying diameter, the labels have more tendency to stick to the uneven tear surface than a dispensing
15 apparatus with uniform tear surface, making it difficult and expensive to dispense labels.

Additionally, Michalovic states “where blades or like components are used as a force concentrating structure to facilitate tearing of labels along the perforation lines, the concentrating structures must be cleaned often to prevent build up of adhesive.” Column 1, lines 33-37.

In contrast, Ishii et al. provides an apparatus for issuing a ticket with a cutting roller that
20 creates diamond-shaped openings in the center of the perforations on media. The diamond-shaped openings are specifically created by a plurality of edges having variable diameters on the axle of the roller. The diamond-shaped openings allow tickets to be cut clearly without leaving

In re application of: Robert A. Luciano and Raymond Bryan

Serial number: 09/419,748

Page 7

any scraps, which may cause apparatus jam and may cause a customer to question the

authenticity of a ticket. The objects of Ishii et al.'s invention are to prevent apparatus from

jamming and to provide a high quality ticket cut with precision from a ticket sheet. See column

2, lines 4-9.

5 In sum, there is no suggestion or motivation, either in Ishii et al. or in Michalovic or in the knowledge generally available to one of ordinary skill in the art to modify or to combine reference teachings of Ishii et al. and Michalovic. Withdrawal of 35 U.S.C. 103(a) rejections based on the combination of Ishii et al. and Michalovic is respectfully requested.

The amendments to the claims above have not been made to overcome the rejections.

10 The applicant believes that the original claims are patentable over the cited reference. The applicant makes amendments to obtain allowance of the application, considering the length of time the prosecution of this application has already taken.

CONCLUSION

15 For all of the above reasons, the applicant submits that the present application is in condition for allowance. If the examiner has any questions regarding the application or this response, the examiner is encouraged to call the applicant's attorney, Rolando J. Tong, at (775) 826-6160.

Respectfully submitted,

RTang

Rolando J. Tong, Attorney for Applicant(s)
Registration Number: 47,140

VERSION WITH MARKINGS SHOWING CHANGES MADE

1. (Thrice Amended) A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

- 5 (A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and
- 10 (B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;

15 wherein the tear bar is formed from an integrally formed member having a substantially semi-circular lateral cross-section, the integrally formed member further having a center portion between the first side portion and the second side portion, the center portion having a diameter less than the first side portion and the second side portion, and wherein at least one of the first or second side portions comprises a roughened surface.


CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

☐ **MAILING**
Deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

☒ **FACSIMILE**
Transmitted by facsimile to the Patent and Trademark Office.

Fax No.: 703-746-3290


Signature
Kimberly R. Kroll
Name

8-13-02
Date

20. (Twice Amended) A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

(A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;
[and]

(B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and

(C) a center portion between the first side portion and the second portion, the center portion having a diameter less than the first side portion and the second side portion,

wherein the tear bar remains in a fixed position during feeding and separation of the strip of media, wherein at least one of the first or second side portions comprises a roughened surface.

25. (Once amended) A tear bar for assisting the separation of a piece of media from a strip of media, the strip of media having a surface, a first and second side, and a center portion, the tear bar comprising:

(A) a first side portion, the first side portion being adapted to abut the surface of the strip of media adjacent to the first side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media;

(B) a second side portion, the second side portion being adapted to abut the surface of the strip of media adjacent to the second side of the strip of media and apply resistance on the strip of media when a longitudinal force is applied to the strip of media; and

5 (C) a center portion between the first and second side portions, the center portion having a diameter less than the diameter of the first side portion and the diameter of the second side portion, the center portion being adapted to abut the surface of the strip of media when a longitudinal force is applied to the strip of media.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2000**Patent fees are subject to annual revision.
Small Entity payments must be supported by a small entity statement,
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.
See 37 C.F.R. §§ 1.27 and 1.28.**TOTAL AMOUNT OF PAYMENT** (\$) 460.00**Complete if Known**

Application Number	09/419,748
Filing Date	October 16, 1999
First Named Inventor	Robert A. Luciano
Examiner Name	Flores-Sanches
Group / Art Unit	3724
Attorney Docket No.	732.341 SDG

METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																																			
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number: 500913 Deposit Account Name: Ian F. Burns & Associates, P.C. <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td>0.00</td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td>0.00</td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for reexamination</td><td>0.00</td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td>0.00</td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td>0.00</td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td>.00</td></tr> <tr><td>116</td><td>380</td><td>216</td><td>190</td><td>Extension for reply within second month</td><td>0.00</td></tr> <tr><td>117</td><td>870</td><td>217</td><td>435</td><td>Extension for reply within third month</td><td>460.00</td></tr> <tr><td>118</td><td>1,380</td><td>218</td><td>680</td><td>Extension for reply within fourth month</td><td>0.00</td></tr> <tr><td>128</td><td>1,850</td><td>228</td><td>925</td><td>Extension for reply within fifth month</td><td>0.00</td></tr> <tr><td>119</td><td>300</td><td>219</td><td>150</td><td>Notice of Appeal</td><td>0.00</td></tr> <tr><td>120</td><td>300</td><td>220</td><td>150</td><td>Filing a brief in support of an appeal</td><td>0.00</td></tr> <tr><td>121</td><td>280</td><td>221</td><td>130</td><td>Request for oral hearing</td><td>0.00</td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td>0.00</td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td>0.00</td></tr> <tr><td>141</td><td>1,210</td><td>241</td><td>605</td><td>Petition to revive - unintentional</td><td>0.00</td></tr> <tr><td>142</td><td>1,210</td><td>242</td><td>605</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>430</td><td>243</td><td>215</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>580</td><td>244</td><td>290</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td>0.00</td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>126</td><td>240</td><td>126</td><td>240</td><td>Submission of Information Disclosure Stmt</td><td>0.00</td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td>0.00</td></tr> <tr><td>146</td><td>690</td><td>246</td><td>345</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td>0.00</td></tr> <tr><td>149</td><td>690</td><td>249</td><td>345</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td>0.00</td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td>0.00</td></tr> <tr><td colspan="5">Other fee (specify) _____</td><td>0.00</td></tr> <tr> <td colspan="5">Reduced by Basic Filing Fee Paid</td> <td>SUBTOTAL (3) (\$) 460.00</td> </tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath	0.00	127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification	0.00	147	2,520	147	2,520	For filing a request for reexamination	0.00	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	0.00	113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	0.00	115	110	215	55	Extension for reply within first month	.00	116	380	216	190	Extension for reply within second month	0.00	117	870	217	435	Extension for reply within third month	460.00	118	1,380	218	680	Extension for reply within fourth month	0.00	128	1,850	228	925	Extension for reply within fifth month	0.00	119	300	219	150	Notice of Appeal	0.00	120	300	220	150	Filing a brief in support of an appeal	0.00	121	280	221	130	Request for oral hearing	0.00	138	1,510	138	1,510	Petition to institute a public use proceeding	0.00	140	110	240	55	Petition to revive - unavoidable	0.00	141	1,210	241	605	Petition to revive - unintentional	0.00	142	1,210	242	605	Utility issue fee (or reissue)		143	430	243	215	Design issue fee		144	580	244	290	Plant issue fee		122	130	122	130	Petitions to the Commissioner	0.00	123	50	123	50	Petitions related to provisional applications		126	240	126	240	Submission of Information Disclosure Stmt	0.00	581	40	581	40	Recording each patent assignment per property (times number of properties)	0.00	146	690	246	345	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00	149	690	249	345	For each additional invention to be examined (37 CFR § 1.129(b))	0.00	Other fee (specify) _____					0.00	Other fee (specify) _____					0.00	Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$) 460.00
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
105	130	205	65	Surcharge - late filing fee or oath	0.00																																																																																																																																																																																
127	50	227	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																	
139	130	139	130	Non-English specification	0.00																																																																																																																																																																																
147	2,520	147	2,520	For filing a request for reexamination	0.00																																																																																																																																																																																
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	0.00																																																																																																																																																																																
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	0.00																																																																																																																																																																																
115	110	215	55	Extension for reply within first month	.00																																																																																																																																																																																
116	380	216	190	Extension for reply within second month	0.00																																																																																																																																																																																
117	870	217	435	Extension for reply within third month	460.00																																																																																																																																																																																
118	1,380	218	680	Extension for reply within fourth month	0.00																																																																																																																																																																																
128	1,850	228	925	Extension for reply within fifth month	0.00																																																																																																																																																																																
119	300	219	150	Notice of Appeal	0.00																																																																																																																																																																																
120	300	220	150	Filing a brief in support of an appeal	0.00																																																																																																																																																																																
121	280	221	130	Request for oral hearing	0.00																																																																																																																																																																																
138	1,510	138	1,510	Petition to institute a public use proceeding	0.00																																																																																																																																																																																
140	110	240	55	Petition to revive - unavoidable	0.00																																																																																																																																																																																
141	1,210	241	605	Petition to revive - unintentional	0.00																																																																																																																																																																																
142	1,210	242	605	Utility issue fee (or reissue)																																																																																																																																																																																	
143	430	243	215	Design issue fee																																																																																																																																																																																	
144	580	244	290	Plant issue fee																																																																																																																																																																																	
122	130	122	130	Petitions to the Commissioner	0.00																																																																																																																																																																																
123	50	123	50	Petitions related to provisional applications																																																																																																																																																																																	
126	240	126	240	Submission of Information Disclosure Stmt	0.00																																																																																																																																																																																
581	40	581	40	Recording each patent assignment per property (times number of properties)	0.00																																																																																																																																																																																
146	690	246	345	Filing a submission after final rejection (37 CFR § 1.129(a))	0.00																																																																																																																																																																																
149	690	249	345	For each additional invention to be examined (37 CFR § 1.129(b))	0.00																																																																																																																																																																																
Other fee (specify) _____					0.00																																																																																																																																																																																
Other fee (specify) _____					0.00																																																																																																																																																																																
Reduced by Basic Filing Fee Paid					SUBTOTAL (3) (\$) 460.00																																																																																																																																																																																
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other		1. BASIC FILING FEE <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101</td><td>690</td><td>201</td><td>345</td><td>Utility filing fee</td><td></td></tr> <tr><td>106</td><td>310</td><td>206</td><td>155</td><td>Design filing fee</td><td></td></tr> <tr><td>107</td><td>480</td><td>207</td><td>240</td><td>Plant filing fee</td><td></td></tr> <tr><td>108</td><td>690</td><td>208</td><td>345</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114</td><td>150</td><td>214</td><td>75</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (1) (\$) _____</td></tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	101	690	201	345	Utility filing fee		106	310	206	155	Design filing fee		107	480	207	240	Plant filing fee		108	690	208	345	Reissue filing fee		114	150	214	75	Provisional filing fee		SUBTOTAL (1) (\$) _____																																																																																																																																															
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
101	690	201	345	Utility filing fee																																																																																																																																																																																	
106	310	206	155	Design filing fee																																																																																																																																																																																	
107	480	207	240	Plant filing fee																																																																																																																																																																																	
108	690	208	345	Reissue filing fee																																																																																																																																																																																	
114	150	214	75	Provisional filing fee																																																																																																																																																																																	
SUBTOTAL (1) (\$) _____																																																																																																																																																																																					
2. EXTRA CLAIM FEES <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>_____</td><td>-20** = _____</td><td>X _____</td><td>= 0</td></tr> <tr><td>Independent Claims</td><td>-3** = _____</td><td>X _____</td><td>= 0</td></tr> <tr><td>Multiple Dependent</td><td>_____</td><td>_____</td><td>= 0</td></tr> </tbody> </table> <p>**or number previously paid, if greater; For Reissues, see below</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>103</td><td>18</td><td>203</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102</td><td>78</td><td>202</td><td>39</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>104</td><td>260</td><td>204</td><td>130</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>109</td><td>76</td><td>209</td><td>39</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>110</td><td>16</td><td>210</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="5">SUBTOTAL (2) (\$) 0.00</td></tr> </tbody> </table>		Total Claims	Extra Claims	Fee from below	Fee Paid	_____	-20** = _____	X _____	= 0	Independent Claims	-3** = _____	X _____	= 0	Multiple Dependent	_____	_____	= 0	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	103	18	203	9	Claims in excess of 20		102	78	202	39	Independent claims in excess of 3		104	260	204	130	Multiple dependent claim, if not paid		109	76	209	39	** Reissue independent claims over original patent		110	16	210	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2) (\$) 0.00																																																																																																																																	
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																																																																																		
_____	-20** = _____	X _____	= 0																																																																																																																																																																																		
Independent Claims	-3** = _____	X _____	= 0																																																																																																																																																																																		
Multiple Dependent	_____	_____	= 0																																																																																																																																																																																		
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																																																																																		
103	18	203	9	Claims in excess of 20																																																																																																																																																																																	
102	78	202	39	Independent claims in excess of 3																																																																																																																																																																																	
104	260	204	130	Multiple dependent claim, if not paid																																																																																																																																																																																	
109	76	209	39	** Reissue independent claims over original patent																																																																																																																																																																																	
110	16	210	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																	
SUBTOTAL (2) (\$) 0.00																																																																																																																																																																																					

SUBMITTED BY

Name (Print/Type)	Rolando J. Tong	Registration No. (Attorney/Agent)	47,140	Telephone	775-826-6160
Signature		Date	8/13/02		

WARNING:

Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)

732.400 SDG

In re Application Of Robert A. Luciano and Raymond Bryan

Application Number
09/419,748

Filed
October 16, 1999

For PRINTER TEAR BAR AND PRESENTER SYSTEM

Group Art Unit
3724

Examiner
Flores-Sanches

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
- ☐ Two months (37 CFR 1.17(a)(2)) \$ _____
- ☒ Three months (37 CFR 1.17(a)(3)) \$ 920
- ☐ Four months (37 CFR 1.17(a)(4)) \$ _____
- ☐ Five months (37 CFR 1.17 (a)(5)) \$ _____

☒ Applicant is a small entity under 37 CFR 1.9 and 1.27, therefore the fee amount shown above is reduced by one-half, and the resuming fee is: \$ 460

A small entity statement under 37 CFR 1.27:

- ☐ is enclosed.
- ☒ has already been filed in this application.

- ☐ A check in the amount of the fee is enclosed.
- ☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 500913 I have enclosed a duplicate copy of this sheet.

I am the ☐ assignee of record of the entire interest.

☐ applicant.

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). _____

Date

Signature

Rolando J. Tong

Typed or printed name